

## **REMARKS**

### **INTRODUCTION**

In the Office action mailed July 9, 2004, the specification is objected to because of certain informalities, claims 1, 10-11, and 13 are objected to for lack of antecedent basis, claims 1, 3-4, 6-7, and 15 are rejected under 35 U.S.C. 102(b), claims 2, and 9-10 are rejected under 35 U.S.C. 103(a), and claims 5, 8, and 11-14 are objected to, but allowable, as being dependent upon a rejected base claim. In accordance with the remarks and amendments included in this Response, the foregoing objections and rejections are respectfully overcome.

### **OBJECTION TO SPECIFICATION**

On page 2 of the Office action, the Examiner objected to the disclosure because of informalities found therein. In light of the foregoing amendments to the specification consistent with the Examiner's recommendations, Applicant respectfully requests that the objection of the disclosure is overcome.

### **OBJECTION TO CLAIMS 1, 10-11, AND 13**

On page 2 of the Office action, the Examiner objected to claims 1, 10-11, and 13 because of claim inconsistencies and lack of antecedent basis. Specifically, claim 1 was objected to because the inspection electrode recited in claim 1 is not consistent with the recitation in claim 2. In light of the foregoing amendments to claim 2, the inspection electrode recited in claims 1 and 2 is consistent. Therefore, Applicant respectfully requests that the objection of claim 1 be removed.

Claims 10-11 and 13 were objected to for lack of antecedent basis regarding "the two pressurizing levers." In light of the foregoing amendment to claim 1 to include "... a pair of pivotally movable pressurizing levers," claims 10-11 and 13 no longer lack antecedent basis for "the two pressurizing levers." Therefore, Applicant respectfully requests that the objection of claims 10-11 and 13 be removed.

### **AMENDMENT OF CLAIMS 1 AND 15**

Claims 1 and 15 have each been amended to recite: "... wherein the pressurizing mechanism includes a pair of pivotally movable pressurizing levers." Support for the amended language is found at page 12, line 12 through page 13, line 32 of the specification.

In a non-limiting example of claims 1 and 15 of the present application, the pair of pivotally movable pressurizing levers pivot to follow deformation and displacement of a panel. Therefore, the inspection electrodes are accurately contacted with the electrodes of the panel by the pair of pressurizing levers even when the panel is in a deformed condition.

None of the references relied upon by the Examiner teach or suggest "a pair of pivotally movable pressurizing levers," as recited in claims 1 and 15 of the present application. Although Hisashi discloses a panel inspection device that includes a pressurizing means (37, 38, 39), the pressurizing means does not include a pair of pivotally movable pressurizing levers. Instead, the pressurizing means is formed in a contact unit. The pressurizing means consists of an air cylinder, a clamper, and a bump prepared at the tip of a checking probe that pushes against the electrode of the panel being inspected. The contact unit and the pressurizing means are only movable along a longitudinal direction in relation to the inspected panel. Hisashi, numbered paragraphs 36-39. As such, the panel inspection device disclosed by Hisashi cannot accurately contact inspection electrodes with electrodes of the panel when the panel is deformed or displaced.

**REJECTION OF CLAIMS 1, 3-4, 6-7, AND 15 UNDER 35 U.S.C. 102(b) AS ANTICIPATED BY FUKUDA HISASHI ('JP 10-153631)**

On page 2, numbered paragraph 1 of the Office action, the Examiner rejected claims 1, 3-4, 6-7, and 15 under 35 U.S.C. 102(b) as being anticipated by Fukuda Hisashi ('JP 10-153631) (hereinafter "Hisashi"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Hisashi does not teach or suggest all of the elements of the two independent claims 1 and 15; therefore, Applicant respectfully requests that claims 1, 3-4, 6-7, and 15 be allowed.

As discussed above, Hisashi, does not teach or suggest "a pair of pivotally movable pressurizing levers," as recited in claims 1 and 15 of the present application. Therefore, for at least the reasons discussed above, Applicant respectfully requests that claims 1 and 15 be allowed.

Claims 3-4 and 6-7 depend from independent claim 1 and patentably distinguish over the reference relied upon by the Examiner for at least the reasons that claim 1 patentably distinguishes over the reference relied upon by the Examiner. Therefore, for at least the foregoing reasons, Applicant respectfully requests that dependent claims 3-4 and 6-7 be allowed.

**REJECTION OF CLAIMS 2 AND 9-10 UNDER 35 U.S.C. 103(a) AS UNPATENTABLE OVER FUKUDA HISASHI ('JP 10-153631), AND FURTHER IN VIEW OF APPLICANT ADMITTED PRIOR ART FIG. 2**

On page 6, numbered paragraph 6 of the Office action, the Examiner rejected claims 2 and 9-10 as being unpatentable under 35 U.S.C. 103(a) for obviousness over Hisashi as applied to claims 1, 3-4, 6-7, and 15, and further in view of applicant admitted prior art at FIG. 2.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Hisashi, in combination with applicant admitted art at FIG. 2, does not teach or suggest all of the elements of claims 2 and 9-10; therefore, Applicant respectfully requests that claims 2 and 9-10 be allowed.

As discussed above, Hisashi does not teach or suggest all of the elements of independent claim 1. Claims 2 and 9-10 each depend from independent claim 1 and patentably distinguish over the references relied upon by the Examiner for at least the reasons that claim 1 patentably distinguishes over the references. Therefore, for at least the foregoing reasons, Applicant respectfully requests that dependent claims 2 and 9-10 be allowed.

**CLAIMS 5, 8, AND 11-14 INCLUDE ALLOWABLE SUBJECT MATTER**

Applicant acknowledges with appreciation that claims 5, 8, and 11-14 have been found to contain allowable subject matter. Such claims have not been rewritten in view of the patentability of their corresponding independent base claim 1, as discussed above.

**CONCLUSION**

In accordance with the foregoing, the specification and claim 1, 2, 8, and 15 have been amended. Claims 1-15 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/014,369

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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